

PROB 12C
(7/93)Report Date: February 15, 2012
FILED ON TIME
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

FEB 15 2012

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jerbasio C. Brito

Case Number: 2:08CR02142-001

Address of Offender: 2261 Hornby Road, Grandview, WA 98930

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 10/6/2009

Original Offense: Possession of a Firearm and Ammunition by a Prohibited Person, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 38 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 9/20/2011

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 9/19/2014

 PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on January 30, 2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<p><u>Special Condition #17:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.</p>
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Supporting Evidence: Mr. Brito tested positive for amphetamine and methamphetamine on February 2, 2012.

On February 2, 2012, Mr. Brito submitted a presumptive positive test for methamphetamine at Merit Resource Services (Merit). On February, 9, 2012, the U.S. Probation Office received confirmation that Mr. Brito tested positive for amphetamine and methamphetamine from the specimen collected on February 2, 2012, by Sterling Reference Laboratories.

5	<p><u>Standard Condition #3:</u> The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.</p>
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Supporting Evidence: Mr. Brito failed to be truthful with his probation officer on February 2, 2012, by denying he consumed methamphetamine when questioned about his illegal drug use.

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On February 2, 2012, Mr. Brito spoke with this officer, and advised he completed his intake assessment for intensive outpatient treatment at Merit. He also advised that staff at Merit collected a urine sample, and he tested presumptive positive for methamphetamine. Mr. Brito was given the opportunity to be truthful about his drug use but instead denied any illegal drug use. He further reported that his last use of illegal drugs was prior to going into inpatient drug treatment at Sundown M Ranch on January 6, 2012.

- 6 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Brito failed to submit to a random urinalysis test at Merit on February 7, 2012.

- 7 **Special Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: Mr. Brito was late attending intensive outpatient drug and alcohol treatment at Merit on February 8, 2012.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/10/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

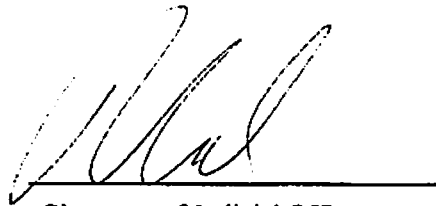
- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
☐ Other
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Signature of Judicial Officer

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Date